

STATE OF SOUTH CAROLINA	)	BEFORE THE STATE ETHICS COMMISSION
COUNTY OF RICHLAND	)	
	)	
IN THE MATTER OF:	)	
COMPLAINT C2012-021	)	
	)	
State Ethics Commission,	)	
Complainant;	)	
	)	
vs.	)	<b>DECISION AND ORDER</b>
	)	
Jeffrey K. Hill,	)	
Respondent.	)	

STATE ETHICS  
COMMISSION

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RECEIVED

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on August 25, 2011. On November 16, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2011), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Jeffrey K. Hill, with one violation of Section 8-13-1308(D) and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on March 21, 2012 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and JB Holeman. Respondent was not present but was duly noticed. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

**COUNT ONE**  
**FAILURE TO FILE A PRE-ELECTION CAMPAIGN DISCLOSURE REPORT**  
**SECTION 8-13-1308(D), S.C. CODE ANN., 1976, AS AMENDED**

That the Respondent, Jeffrey K. Hill, a candidate for Charleston City Council in an election on February 3, 2009, on or about January 19, 2009, did fail to timely file a pre-election Campaign Disclosure Report in violation of Section of 8-13-1308(D).

### **STATEMENT OF FACTS**

1. The Respondent, Jeffrey K. Hill, was a candidate for Charleston City Council in a February 3, 2009 election and he was required to file a pre-election campaign disclosure form (CD) fifteen days before the election.

2. Commission Investigator Dan Choate testified that Respondent filed a candidate Statement of Economic Interests form on December 22, 2008 stating he was a candidate for a Charleston City Council election. Respondent failed to file a pre-election CD and was penalized on May 26, 2011. A follow-up letter was sent on July 26, 2011.

3. Investigator Choate testified that on August 30, 2011 and September 1 he attempted to contact Respondent, but there was no answer and no way to leave a message.

### **CONCLUSIONS OF LAW**

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. During all times relevant, the Respondent, Jeffrey K. Hill, was a candidate as defined by Section 8-13-1300(4).

2. The State Ethics Commission has personal and subject matter jurisdiction

3. Section 8-13-1308(D) provides in part:

At least fifteen days before an election, a certified campaign report must be filed showing contributions of more than one hundred dollars and expenditures to or by the candidate or committee for the period ending twenty days before the election. The candidate or committee must maintain a current list during the period before the election commencing at the beginning of the calendar quarter of the election of all contributions of more than one hundred dollars. The list must be open to public inspection upon request.

4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late

statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

- (1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;
- (2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

5. Section 8-13-320(10)(l)

- (i) requiring the public official, public member, or public employee to pay a civil penalty of not more than two thousand dollars for each violation.

**DECISION**

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Jeffrey K. Hill is in violation of Section 8-13-1308(D); and therefore, Respondent Jeffrey K. Hill is hereby PUBLICLY REPRIMANDED and he is assessed a reduced late-filing penalty of \$2,500.00 . Respondent Jeffrey K. Hill must file the pre-election campaign disclosure form within 30 days of receipt of the order or it will revert to the original late-filing penalty of \$5000.00 and a \$2000.00 fine is assessed. The reduced late filing penalty of \$2,500.00 must be paid within six months of receipt of the signed order following the filing of the pre-election campaign disclosure form within 30 days of receipt of the signed order or it will revert to the original \$5,000.00 late filing penalty and a \$2000.00 fine is assessed.

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$7,000.00 is, and shall be entered against Respondent, if he fails to file the per-

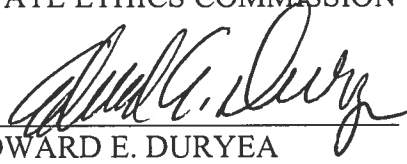
election campaign disclosure form and to pay the reduced late filing penalty in the time allotted.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$7,000.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Jeffrey K. Hill has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 29th DAY OF Apr., 2012.

STATE ETHICS COMMISSION

  
EDWARD E. DURYEA  
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA